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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

NGUYEN, ANTHONY H

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/768,736
Filing Date: January 24, 2001
Appellant(s): CALLAHAN ET AL.

MAILED
APR 21 2005
GROUP 2800

William C. Gehris
DAVISON, DAVIDSON & KAPPEL, LLC
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 7, 2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1 and 14 (Group I), Claims 2,3, 17 to 20 (Group II), Claims 4 to 6, 8, 9, 11, 13, 15 and 16 (Group III), Claim 7 (Group IV), Claim 10 (Group V), Claim 12 (Group VI) do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5165341

John et al.

11-92

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The rejection of claims 1 and 14 under 35 U.S.C. 102(b) as being anticipated by Volz et al. (US 5,826,505) is withdrawn.

The rejection of claims 2, 3, and 17-20 under 35 U.S.C. § 103 (a) as being unpatentable over Volz et al. (US 5,826,505) in view of John et al. (US 6,165,341) is withdrawn.

The rejection of claims 4-13, 15 and 16 under 35 U.S.C. § 103 (a) as being unpatentable over Volz et al. (US 5,826,505) in view of Puschmerat (US 5,950,538) is withdrawn.

The rejection of claims 7, 9 - 13, and 15 under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. is withdrawn.

Claims 1-6, 8, 14, and 16-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. This rejection is set forth in a prior Office Action, mailed on July 14, 2003.

With respect to claim 1, Richards teaches an offset printing press having a first plate cylinder 4a, a first blanket cylinder 6a for selectively contacting the first cylinder (col.5 lines 26-33), an inker 8a for inking the plate cylinder, a first motor 10a directly connected to the inker (col.4 lines 1-11) and to the plate cylinder 4a (Fig.1, col.11 lines 1-11), a second plate cylinder 4b, a second blanket cylinder 6b for selectively contacting

Art Unit: 2854

the second plate cylinder (col.5 lines 49-55), a second inker 8b for inking the second plate cylinder and a second motor 10b for directly driving the second inker (col.4 lines 12-22) and connected to the second plate cylinder (Fig.1). Richards fails to teach an anilox inker. Note that Richards does not disclose how the ink is supplied to the ink form roll 8a. John et al. teach an offset press having an anilox inker including an ink form roll 12 and an anilox roller 10. See Figure 1, the paragraph bridging columns 2 and 3, and column 3 lines 15-23 of John et al. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the press of Richards with an anilox inker in view John et al. so as to provide a short train inker. See column 2 lines 62-66 of John et al. and page 1 lines 11-13 in the applicant's specification. Note that John et al. teach that the short inking train is thus "feasible", implying that short train inkers are desirable. Short train inkers preclude the necessity of a long inking train comprising many rollers typical of some conventional lithographic printing presses.

With respect to claim 2, see Figure 1 and column 4 lines 8 -11 of Richards.

With respect to claim 3, Richards does not teach the ink form roll having the same diameter as the plate cylinder. John et al. teach the ink form roll 12 having effectively the same diameter as the plate cylinder 5. See column 2 lines 47-63 of John et al. It would have been obvious to one of ordinary skill in the art to provide the press of Richards with an ink form roll and plate cylinder having the same effective diameter in view of John et al. to eliminate rubbing or slippage between the cylinders.

Art Unit: 2854

With respect to claims 4 and 6, Richards teaches a third motor 28 for driving the first blanket cylinder 6a and the second blanket cylinder 6b via the gears 24a and 24b. Note each of Figures 1 - 3 of Richards.

With respect to claim 5, see Figure 1 and column 4 lines 1 - 25 of Richards.

With respect to claim 8, Figure 4 of Richards shows the first cylinder 4a being thrown off of the first blanket cylinder 6a while the second plate cylinder 4b continues a printing operation. See also Richards, col.4 lines 19-42.

With respect to claim 14 note the comments above with respect to claim 1. Richards teaches directly driving a first inker 8a with a first motor 10a, indirectly driving the first plate cylinder 4a with the first motor 10a (e.g. Figure 1), directly driving the second inker 8b with a second motor 10b, and indirectly driving the second plate cylinder 4b with the second motor (e.g. Figure 1). Richards fails to teach an anilox inker. Note that Richards does not disclose how the ink is supplied to the ink form roll 8a. John et al. teach an offset press having an anilox inker including an ink form roll 12 and an anilox roller 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of Richards with an anilox inker in view John et al. so as to provide a short train inker. Short train inkers preclude the necessity of a long inking train comprising many rollers typical of some conventional lithographic printing presses.

With respect to claims 16 - 18 note the comments above with respect to claims 1 - 6 and 8.

Art Unit: 2854

With respect to claims 19 and 20, John et al. teaches the anilox roll 10 which contacts the ink form roll without directly contacting the plate cylinder as shown in Figs. 1 and 2.

(11) Response to Argument

Group I: Claims 1 and 14.

Applicant argues that the blanket cylinder, plate cylinder and the ink application cylinder of John et al. are geared together so that the combination of Richards and John et al. would thus gear the blanket and plate cylinders together with the anilox inker. Applicant further argues that there is no motivation in prior art as applied.

However, Richards specifically teaches that the plate and blanket cylinders should not be geared together so that the first or second plate cylinder can be selectively separated from their blanket cylinders. See col. 2 lines 20-25 and col. 2 line 61 - col. 3 line 14 of Richards. It is critical that the press of Richards provide the capability of selectively "throwing off" one of the plate cylinders while the other plate cylinder and blanket cylinders continue to run. On the other hand, the incidental teaching by John et al. to gear all the cylinders together would not necessitate destroying the advantages of the press of Richards. John et al. is merely relied upon to teach the desirability of using an anilox roll to provide ink to the form roll. In view of the specific teachings and advantages taught by Richards of not gearing all the cylinders together, one of ordinary skill in the art would not gear all the cylinders of Richards together by merely adding an anilox roll as taught by John et al.

The motivation for providing the press and method of Richards with an anilox roll is specifically taught by John et al. An anilox roll allows a shorter inking unit, as opposed to many rollers.

Group II: Claims 2,3,17-20

On page 5 of the Brief, the paragraph bridging pages 5 and 6 and on page 6 the third paragraph, applicant argues that Richards and John et al. do not teach the ink application cylinder [sic] which is directly driven by a motor, and that there is no motivation in prior art as applied.

Richards clearly teaches that the first motor 10a may directly drive the first ink form roll 8a (Figure 1, col.4 lines 8-11). While John et al. teach an anilox roll and form roll driven through gears, the motivation for not gear driving all of the cylinders (ink rolls, plate cylinder, blanket cylinders) together is taught by Richards. Note the arguments above with respect to Group I.

Groups III: claims 4 to 6, 8, 9, 11, 13, 15 and 16

Applicant does not provide any specific arguments with respect to Richards and John et al. Accordingly, this Group will stand or fall with Group I. (It is noted that applicant provided separate arguments with respect to this Group and the now withdrawn rejection over Volz et al. in view of Puschmerat.)

Upon further consideration, the rejection of claims 9 - 13 and 15 under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. is withdrawn since Richards does not teach driving either of the blanket cylinders with either of the first and second motors 10a, 10b.

Group IV: Claim 7

Upon further consideration, the rejection of claim 7 under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. is withdrawn since Richards does not teach the gears 24a, 24b being separated from each other.

Group V: Claim 10

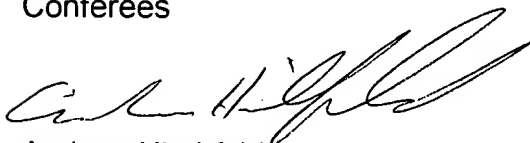
Upon further consideration, the rejection of claim 10 under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. is withdrawn since it depends from allowable claim 9.

Group VI: Claim 12

Upon further consideration, the rejection of claim 12 under 35 U.S.C. § 103 (a) as being unpatentable over Richards in view of John et al. is withdrawn since it depends from allowable claim 10.

For the above reasons, it is believed that the rejections should be sustained.

Conferees

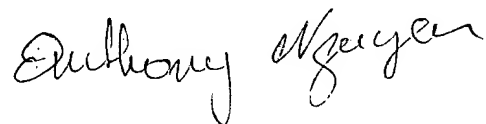


Andrew Hirshfeld



Brian Sircus

Respectfully submitted,



Anthony Nguyen
Patent Examiner, AU 2854

DAVISON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue
New York, NY 53202